IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 31531 of 2004(D)

PETITIONER:

PURUSHOTHAMAN PILLAI, KALAPPURACKAL HOUSE, MARUTHORVATTOM P.O. CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAMANATHAN

RESPONDENTS:

THE MANAGER, VIJAYA BANK, CHERTHALA BRANCH, ALAPPUZHA DISTRICT.

BY ADV. SRI.WILSON URMESE
SRI.JOHN T. SEBASTIAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENT DATED 03.08.2000 IN O.P. NO. 151/2000 OF THE DISTRICT CONSUMER REDRESSAL FORUM, ALAPPUZHA.

EXT.P2: TRUE COPY OF THE ORDER DATED 28.05.2001 IN O.P. NO. 151/2000 OF THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM, ALAPPUZHA.

EXT.P3: TRUE COPY OF THE ORDER DATED 03.03.2004 IN APPEAL 771/2001 BY THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 31531 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The writ petition is filed with the following prayers:

i) set aside the order dated 03.03.2004 in Appeal No. 771/2001 by the Kerala State Consumer Disputes Redressal Commission and to direct the Respondent to pay the Cheque amount of Rs.25,000/- with appropriate interest from 10.01.2000 till this date and such other amount as this Hon'ble Court deems fit and proper as compensation to the petitioner or

2) In the alternative permit the petitioner to seek appropriate civil and criminal proceedings against the Drawee of the cheque in the subject matter of Appeal No. 771/2001 before the Kerala State Consumer Disputes Redressal Commission (O.P. No. a 151/2000 before the District Consumer Disputes Redressal Forum Alappuzha) and the Respondent herein, in spite of the bar of limitation occurred for the same due to the pendancy of O.P. No. a 151/2000 before the District Consumer Disputes Redressal Forum Alappuzha and Appeal No. 771/2001 before the Kerala State Consumer Disputes Redressal Commission.

As far as the first prayer is concerned, it is for the petitioner to pursue the matter before the National Commission and as far as the second prayer is concerned, the drawee of the cheque is not on the party array and hence the matter cannot be considered. Therefore, without prejudice to the liberty to the petitioner to pursue the matter in appropriate proceedings with all the affected parties on the party array, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

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